

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MILLERCOORS, LLC,

Plaintiff,

v.

ANHEUSER-BUSCH COMPANIES, LLC,

Defendant.

Case No. 19-cv-00218

PLAINTIFF MILLERCOORS, LLC'S NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiff MillerCoors, LLC (“MillerCoors”) hereby appeals to the United States Court of Appeals for the Seventh Circuit from those portions of the district court’s Opinion and Order, entered in this action on May 24, 2019, that denied in part MillerCoors motion for a preliminary injunction (Dkt. 57).

MillerCoors brings this appeal—and brings it now—in part because, as the district court’s Order recognized, MillerCoors has presented strong evidence that Defendant Anheuser-Busch Companies, LLC “was both aware of and intended to exploit consumer concerns about corn syrup” (*Id.* at 35) in its advertising campaign. Five Circuits of the United States Courts of Appeals have held that evidence of intent to deceive consumers gives rise to a presumption of harm in Lanham Act false advertising cases, but the issue is unresolved in the Seventh Circuit.

The district court’s Order thus recognized that the Seventh Circuit’s “guidance on the use of intent in determining whether a statement is actually misleading under the Lanham Act would be of great value” (*Id.* at 36). MillerCoors agrees. Such guidance, on this and other issues, will be of *most* value at this stage of the case.

Respectfully submitted this 24th day of June, 2019.

/s/ Donald Schott

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CERTIFICATE OF SERVICE

I hereby certify that, on June 24, 2019, I caused a copy of the foregoing document to be served on counsel for Defendant Anheuser-Busch Companies, LLC via the Court's electronic filing system.

/s/ Donald Schott
Donald Schott